



DEPARTMENT OF THE INTERIOR HEARINGS DIVISION

Seminole Nation of Oklahoma v. Eastern Oklahoma Regional Director,
Bureau of Indian Affairs

and

Seminole Nation of Oklahoma v. Eastern Oklahoma Regional Awarding Official,
Bureau of Indian Affairs

Docket Nos. IBIA 05-15-A and 05-33-A (03/16/2005)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
139 East South Temple, Suite 600
Salt Lake City, Utah 84111

March 16, 2005

ORDER

SEMINOLE NATION OF OKLAHOMA,	:	IBIA 05-15-A
	:	
Appellant	:	Appeal of a October 4, 2004, decision
	:	issued by the Regional Director,
v.	:	Eastern Oklahoma Regional Office,
	:	BIA
EASTERN OKLAHOMA REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	Indian Self-Determination and
AFFAIRS,	:	Educational Assistance Act (ISDA)
	:	25 U.S.C. §§ 450-450n
Respondent	:	

SEMINOLE NATION OF OKLAHOMA,	:	IBIA 05-33-A
	:	
Appellant	:	Appeal of a November 30, 2004,
	:	decision issued by the Regional
v.	:	Awarding Official, Eastern Oklahoma
	:	Regional Office, BIA
EASTERN OKLAHOMA REGIONAL	:	
AWARDING OFFICIAL, BUREAU OF	:	Indian Self-Determination and
INDIAN AFFAIRS,	:	Educational Assistance Act (ISDA)
	:	25 U.S.C. §§ 450-450n
Respondent	:	

Hearing Vacated, Appeals Dismissed and Matters Remanded for Further Consideration

On February 17, 2005, Appellant filed a Motion for Summary Expedited Remand and Reconsideration. In a response filed March 1, 2005, Respondent agrees with Appellant that the issues regarding the imposition of Level III sanctions, including reassumption, for failure to file audits have been mooted by Appellant's recent filing of audits and that those issues relating to declination of the Appellant's initial contract proposals should be remanded to Respondent for further consideration.

Consequently, the scheduled hearing is vacated, the appeals are dismissed, and the matters remanded to Respondent with the understanding that issues regarding the imposition

of Level III sanctions, including reassumption, are moot and the Respondent will reconsider the issues relating to declination of the Appellant's initial contract proposals.

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Harvey C. Sweitzer
Administrative Law Judge